

April 25, 1928.

[H. R. 9368.]

[Public, No. 316.]

CHAP. 433.—An Act To authorize the Secretary of War to exchange with the Pennsylvania Railroad Company certain tracts of land situate in the city of Philadelphia, and State of Pennsylvania.

Army.
Exchange of tracts in
Philadelphia with
Pennsylvania Railroad
Company.
Location of reserva-
tion.

Tract to be received
in return.

Provisos.
Appraisal.

Payment, if value of
Army parcel exceeds
that conveyed therefor.

Difference in favor of
railroad not a claim
against the Govern-
ment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized in his discretion, to exchange, upon such terms and conditions as he considers advisable, with the Pennsylvania Railroad Company, or its nominee, a tract of land extending from the west side of Delaware Avenue to the east side of Swanson Street situate and lying between Bigler Street and Packer Avenue, in the thirty-ninth ward, in the city of Philadelphia and State of Pennsylvania, containing eleven and thirty-eight one-hundredths acres, said tract now forming a part of War Department reservation at Oregon and Delaware Avenues, situate in the city of Philadelphia and State of Pennsylvania, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate the conveyance of the fee title thereof to the Pennsylvania Railroad Company, or its nominee; and in return for the said tract of land so conveyed by him, the Secretary of War be, and he is hereby, authorized to receive and take title thereto in the name of the United States and in its behalf, a tract of land situate on the west side of Delaware Avenue between Packer Avenue and Pattison Avenue, in the thirty-ninth ward, in the city of Philadelphia and State of Pennsylvania, containing eleven and thirty-eight one-hundredths acres, which tract upon its acquisition shall form a part of the said War Department reservation and be subject to the same control and right of disposition as other portions of said reservation: *Provided*, That before any such exchange, the War Department shall have both of said parcels of real estate appraised by competent and disinterested persons acquainted with the values of real estate in the vicinity of such property, at the expense of the Pennsylvania Railroad Company, and if such appraisal show that the parcel of real estate to be conveyed to the United States be of less value than the parcel to be conveyed by the United States, then in such event any difference in value shall be paid in money into the Treasury of the United States, and be credited to the Military Post Construction Fund, prior to the conveyance of the title hereby authorized: *Provided further*, That if it should appear by such appraisal that there is a difference in favor of the Pennsylvania Railroad, then said finding shall never constitute the basis of any claim against the Government by said railroad.

Approved, April 25, 1928.

April 25, 1928.

[H. R. 8744.]

[Public, No. 317.]

CHAP. 434.—An Act To accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes.

Mesa Verde National
Park.
Acceptance of juris-
diction of Colorado
over territory included
in.

Rights reserved to
State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of the Legislature of the State of Colorado, approved May 2, 1927, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Mesa Verde National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions

for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tracts; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

Application of
United States laws.

Extradition of crim-
inals.

SEC. 2. That said park shall constitute a part of the United States judicial district for the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

Assigned to Colorado
judicial district.

SEC. 3. That if any offense shall be committed in the Mesa Verde National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park.

Punishment of of-
fenses against State
laws.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, and timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not

Hunting, fishing,
etc., prohibitions.

Regulations, etc., to
be prescribed.

Evidence of viola-
tions.

Punishment for vio-
lating provisions here-
of, etc.

Proviso.
Additional punishment for
ruins, etc.

more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings: *Provided, however,* That any person or persons who may, without permission from the Secretary of the Interior, in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization from said park shall upon conviction before any court having jurisdiction of such offenses be fined not more than \$1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

Forfeiture of guns,
traps, etc., illegally
used.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

Commissioner for.
Appointment, au-
thority, etc.

SEC. 6. That the United States District Court for the State of Colorado shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this Act.

Judicial powers in
violations of rules, etc.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this Act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

Appeals to district
court.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

Procedure in crim-
inal cases.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this Act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided,* That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

Proviso.
Bail.

Service of process.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of

Colorado, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this Act or the regulations prescribed by said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this Act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Mesa Verde National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this Act.

SEC. 10. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the Governor of the State of Colorado of the passage and approval of this Act.

Approved, April 25, 1928.

Summary arrests.

Pay of commissioner.

Provisos.
Residence required.

Disposal of fees, etc.

United States fees.

Deposit of fines and costs.

Acceptance of cession.

CHAP. 436.—An Act To amend section 6, Act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes.

April 26, 1928.

[S. 2948.]

[Public, No. 318.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act approved March 4, 1923, entitled "An Act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to the National Guard and reserve officers and warrant officers, and for other purposes," as amended by an Act approved June 3, 1924, be, and the same is hereby, amended to read as follows:

National Guard.
Vol. 42, p. 1508.
U. S. Code, pp. 185,
186, 1044.

Vol. 43, p. 364, amended.

"SEC. 6. That officers, warrant officers, and enlisted men of the National Guard who suffer personal injury or contract disease in line of duty while en route to or from and while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the National Defense Act of June 3, 1916, as amended; members of the Officers' Reserve Corps and of the enlisted reserve corps of the Army who suffer personal injury or contract disease in line of duty while on active duty under proper orders; and persons hereinbefore described who may now be undergoing hospital treatment at Government expense for injuries so sustained; shall, under such regulations as the President may prescribe, when hospital treatment is necessary for appropriate treatment of such injury or disease, be entitled to hospital treatment, including medical treatment, at Government expense, until the disability resulting from such injury or disease can not be materially improved by further hospital treatment, and, during the period of hospitalization, to the same pay and allowances whether in money or in kind that they were entitled to receive at the time such injury

Hospital treatment, etc., allowed, for injury or disease, while on training duty, etc.

Vol. 39, pp. 206, 207.

Pay, etc., continued.